

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed January 13, 2006, is respectfully requested. Claim 83 has been amended to include the limitation of dependent claim 85. Therefore, this amendment was made without the introduction of new matter. Claim 85 has been cancelled, without prejudice. Claims 83-84, 86-91, 95, 99-101, 104-105, and 107 remain pending in this case.

Art Rejections

Claims 83 and 84 were rejected under 35 U.S.C. § 102(b) as allegedly unpatentable over Foulds et al. "Biosensors: Current Application and Future Potential" BIOESSAYS 3(3): 129-32 (Sept. 1985). Without conceding the propriety of the rejection, Applicants have amended claim 83 to include the limitation of dependent claim 85, which the Examiner has indicated as allowable. Claim 84 depends from claim 83 and is allowable for the same reasons as applicable to claim 83. Therefore, Applicants respectfully request withdrawal of the rejection and reconsideration of the claims as amended.

Double Patenting

Claim 91 is provisionally rejected on the grounds of non-statutory obviousness type double patenting as allegedly unpatentable over claim 91 of co-pending application No. 10/371,066. The '066 application has been abandoned. (See Exhibit A) Therefore, the rejection over this application is now moot. Applicants respectfully request withdrawal of this rejection.

CONCLUSION

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicants' undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any fees that may be required in connection with the filing of these documents to Deposit Account No. 50-2862.

Respectfully submitted,

Dated: July 10, 2006

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Exhibit A



1634

Patent US 102C4
Attorney Docket: 612,404-418

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Heller, Michael et al.

Serial No.: 10/371,066

Filed: February 21, 2003

For: Self-Addressable Self-Assembling
Microelectronic Systems and Devices
for Molecular Biologic Analysis and
Diagnostics

) Group Art Unit: 1634

) Examiner: Betty Forman

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EXPRESS ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed November 23, 2005, Applicant hereby expressly abandons this case without prejudice to pursue the subject matter hereof. Applicant notes that Claim 91 of the present invention is also included in Application Serial No. 09/490,965, which claim is rejected for double patenting in that case. Applicant will pursue the subject matter of this case in the '965 application.

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CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

5-22-06

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Denise N. Doss

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Patent US 102C4
Attorney Docket: 612,404-418

In light of Applicant's decision to expressly abandon the above-identified application, it is believed that no extension fees are due. However, if the Commissioner deems otherwise, he is hereby authorized to charge deposit account no. 52-2862 for any deficient fees.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 22, 2006

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